

BILL NO. G-68-08- 21

GENERAL ORDINANCE NO. G-11-36-68

AN ORDINANCE amending the Building Code to include swimming pools, and imposing penalties.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Section 104 of Division 100 of Chapter 37 of the Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended and recodified by General Ordinance No. G-66-66, passed by the Common Council on June 14, 1966, and approved by the Mayor on June 15, 1966, hereinafter referred to as the Building Code, is hereby amended by adding thereto the following:

"104.7 Swimming Pools

- 104.7.1 Inspection and Test - All work covered by Division 1100 of this Code shall be inspected by the Inspector of Buildings. The Plumbing and Electrical Inspectors shall be consulted for portions pertaining to their areas.
- 104.7.2 Authority - The Building Commissioner is hereby given full authority to approve or disapprove any materials or devices not specifically provided for in Division 1100. Where such materials or devices are of such a nature calling for a major change, deviation or addition to Code requirements, a written description shall be forwarded to the Technical Advisory Board.
- 104.7.3 Special Tests - The Inspector may require such tests as deemed necessary to properly ascertain the safeness of a product or installation covered by Division 1100. In this he may call upon any other official or body for assistance.
- 104.7.4 Work Covered - The Inspector may require the removal of material or construction which covers work before an opportunity was given for inspection.
- 104.7.5 Right of Entry - The Inspector and his consultants and assistants shall have the right of entry for inspection during reasonable hours.

104.7.6 Final Inspection - The Inspector shall make a final inspection of a completed installation covered by this Code within five (5) working days after receipt of request for such inspection."

SECTION 2. Section 105 of Division 100 of the Building Code is hereby amended by adding thereto the following:

"105.7 Swimming Pools

105.7.1 License Required - It shall be unlawful for any person, firm or corporation to engage in the business of installing, repairing or altering swimming pools without having first obtained a license for doing such work from the Building Commissioner.

105.7.2 Obtaining a License - The Building Commissioner shall grant a license upon submission by the applicant of the following affidavits: Four (4) from persons, firms or corporations regularly engaged in supplying materials attesting to the competency of the applicant with regard to the construction of swimming pools. A General Building Contractor, regularly engaged in construction work in Fort Wayne, may be granted a License by the Building Commissioner.

105.7.3 Revocation of License - The Building Commissioner may revoke any license he has issued for cause or upon discovery of fraud in connection with the obtaining of the license.

105.7.4 Term of License - All licenses shall be for a term of one year, beginning January 1 and ending December 31."

SECTION 3. Section 108 of Division 100 of the Building Code is hereby amended by adding thereto the following:

"108.7 Swimming Pools

108.7.1 Need for Permit - It shall be unlawful for any person, firm or corporation to construct, alter or repair a swimming pool covered by Division 1100 without first having obtained a permit to do said work from the Building Commissioner. Repairs or alterations costing less than one hundred dollars (\$100.00) are excluded from this requirement.

108.7.2 Resident Owner - Any person who owns and occupies a single family residence may obtain a permit to construct, alter or repair a swimming pool on his own personal property for his own personal use. A permit must be obtained and inspections made in the usual manner.

108.7.3 Application for Permit - The application for a permit shall include plans and specifications in duplicate and in sufficient detail to show clearly the following:

- a. Pool dimensions including depths and volume in gallons.
- b. Plot plan showing relationships of pool to lot lines and existing and proposed buildings.
- c. Fencing plan including description of fence and all gates.
- d. Electrical and Grounding Plan.
- e. Plumbing and waste disposal and filtering systems.
- f. Pool construction showing materials to be used, using trade names if available. A statement from a Registered Architect or Engineer shall be included attesting to the fact that the pool walls will withstand external forces when the pool is empty or full. The forces occurring during the spring thaw may be excluded.
- g. Written approval from the Sewer and Water Department Engineers with regard to sewer and water taps where necessary."

SECTION 4. Section 109 of Division 100 of the Building Code is hereby amended by adding thereto the following:

"109.8 Swimming Pools

109.8.1 Fees for Permits - See Section 109.1.1"

SECTION 5. The Building Code is hereby amended by adding thereto a new Division 1100 as follows:

DIVISION 1100

SWIMMING POOLS

1101 Scope of this Division

The provisions of this Division of this Code shall be held to be the minimum requirements for the construction, alteration and repair of swimming pools within the jurisdictional authority of this Code. For the purposes of this Code, a swimming pool is defined as any construction pool or portable pool, used for swimming or wading, with walls at least twenty four (24) inches in height or having a surface area in excess of two hundred fifty (250) square feet and which is used as a swimming pool in connection with a Family Dwelling Unit and is available only to the resident householder, his family and his private guests.

1101.1 Other Divisions of the Code - The standards and rules for the work of trades such as electrical, plumbing, heating and the like which are set forth in other Divisions of this Code shall apply in this Division wherever applicable.

1102 Alternate Materials and Construction

1102.1 Obtaining Approval to Use - Types of construction and/or material which are not specifically mentioned in this Code shall be accepted as Approved Alternates under this Code provided the following conditions are met:

a. Evidence shall be presented in writing to the Building Commissioner attesting to the worth of the requested alternate. Such evidence must be from a laboratory or agency generally accepted as competent by engineering authorities.

b. The Building Commissioner shall accept such alternate materials or types of construction and shall record same with the record of any permit as an Approved Alternate provided the above evidence does show that the requested alternate is equal to, or better than, the minimum requirements set forth herein.

c. For the purposes of examining any claim regarding a request for an Approved Alternate, the Building Commissioner or his designate shall have all reasonable right of entry to any place of manufacture, testing, erection or assembly of such material or construction. If such on-site inspection is impractical, the Building Commissioner may accept affidavits from the manufacturer or erector of said alternate that the alternate does indeed meet the requirements of this Code in intent.

d. When the Building Commissioner is satisfied that the alternate is satisfactory, he shall so state and shall cause a copy of the alternate to be placed in the Approved Alternates file which then becomes available for the general public to use, unless withdrawn by the Technical Advisory Board per paragraph "e" below.

e. The Building Commissioner shall apprise the Technical Advisory Board of Approved Alternates when they are so designated. The Technical Advisory Board, if it concurs with the Building Commissioner shall cause the Code to be amended to include the Approved Alternate. If the Board does not concur with the Building Commissioner's findings, he shall be instructed to remove the alternate from the Approved Alternate file and to refrain from allowing the alternate to be used, except that the approval given by the Building Commissioner to the original requestor shall not be withdrawn.

1103 Repair and/or Alteration of Existing Swimming Pool

When an existing swimming pool is repaired or altered and the value of such repair or alteration exceeds one hundred dollars (\$100.00) the entire pool must be made to conform with this Code.

1104 Construction

1104.1 Side and End Walls - the side and end walls of the pool may be constructed of concrete (poured or sprayed), concrete block, fiberglass, galvanized steel, aluminum or wood. In the latter case, evidence of proper treatment shall be included in the application for the permit. Regardless of material used, the walls must be capable of supporting themselves against

pressures generated when the pool is either full or empty. It will be permissible to require that the pool (if in-the-ground type) be filled during the spring thaw period to prevent flotation. A certificate from a Registered Architect or Engineer must be submitted attesting to these strength requirements. (See Section 108.6.4)

1104.2 Bottom - The pool bottom shall be constructed of sand, concrete, grout or material approved for the purpose. When concrete or grout are used, reinforcing of not less than 6" X 6" X #10 mesh shall be used.

1104.3 Liner - Liners may be used on walls and/or bottom of pools. The liner shall be used for water containment only and shall not be considered to supply any structural strength.

1104.4 Decks - When decks are installed adjacent to the pool, precautions shall be taken to assure that the deck will not separate from the pool walls. Decks shall be pitched to drain away from the pool and shall be surfaced in an approved nonskid manner.

1104.5 Recirculation and Filtering - A recirculation and filtering system shall be installed which will operate at a rate to cause two (2) complete changes of water each twenty four (24) hours. The plans shall show that pipe, grate, pump and filter sizes shall provide this capacity. The filter shall be readily accessible for cleaning. The recirculation system for an in-the-ground pool shall include at least one (1) built-in skimmer for the removal of surface contamination, one (1) main drain located at the bottom of the pool and necessary return lines. For above-the-ground pools a self-contained unit, designed for the purpose, may be used provided the required water changes are met.

1104.6 Drainage System - Provisions shall be made for draining the pool completely. If this is accomplished by a main gravity drain, a readily accessible valve shall be provided on such drain. The water must be piped to a storm sewer if one is available to the premises, or failing this, to a sanitary sewer if approved. The Sewer and Water Engineering Department will specify the facilities needed and may, in extreme cases, require the installation of a dry well or wells, but in no case shall adjoining property be endangered. In the case of an above-ground pool, provisions shall be made so that water from a gross tank rupture will not damage adjoining property.

1105 Fences and Enclosures

1105.1 In-the-ground Pools - At least the entire pool area including not less than the deck areas shall be enclosed by a fence not less than four (4) feet in height and made in such a manner as to make climbing difficult. A dwelling house may serve in lieu of the fence when said house adjoins the pool area. Entrances or gates through the fence must be of the self-closing and self-latching type. The operating lever of the gate shall not be accessible from the outside of the fence below four (4) feet above the ground. A door from a dwelling house is exempt from these provisions.

1105.2 Above-Ground Pools - Deck areas constructed at the top of the tank shall have a substantial railing installed on the off-pool side, and if the deck is less than four (4) feet from the ground, the railing shall be a non-climbable fence. The exterior tank walls shall be made in a manner that makes climbing difficult. Ladders and/or stairways providing access to the deck or pool shall be protected at the bottom with a self-closing and self-latching gate. It shall not be easy to by-pass the gate by climbing. All ladders and/or stairways must be equipped with a substantial handrail. In lieu of these exclusionary requirements on the pool structure, a fence may be installed on the ground which meets the requirements for an in-the-ground pool.

1106 Piping - All underground piping shall be copper, cast iron, stainless steel, NSF approved plastic or approved equivalent. In all cases, the pipe must be rated to withstand eighty (80) pounds per square inch pressure (internal). Any permanent connection to a potable water system shall be so made as to prevent backfeed from the pool into said system. Such connection shall be approved by the Board of Health.

1107 Electrical - All electrical work shall be installed in accordance with Division 400 of this Code. The provisions of Article 680 of the National Electrical Code shall be the minimum requirements. Pools with water depths exceeding five (5) feet must have one or more underwater lights which will illuminate the deepest part of the pool. A readily accessible and clearly identified switch shall be installed which will disconnect all pool circuits.

1108 Safety Equipment - All pools shall be equipped with at least one (1) shepherd's crook with a handle sufficiently long to reach the bottom of the pool at the center.

1109 Non-conforming Installations - All swimming pools in use at the time of passage of this Division as a part of the Fort Wayne Building Code shall be made to comply with Sections 1104.5, 1104.6, 1105, 1107 and 1108 within ninety (90) days after said passage.

SECTION 6. Chapter 28B of the Municipal Code of the City of Fort Wayne, Indiana, 1946, is hereby repealed.

SECTION 7. This ordinance shall become effective upon its passage, approval by the Mayor, and publication as required by law.

Eliza Ann Fay

APPROVED AS TO FORM
AND LEGALITY,

CITY ATTORNEY

~~W. H. B. B.~~
~~W. H. B. B.~~
~~W. H. B. B.~~
Bill No. G-68-08-21

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
amending the Building Code to include swimming pools, and imposing penalties,

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance do PASS.

PHIL A. STEIGERWALD, Chairman

CELIA ANN FAY, Vice-Chairman

THOMAS G. ADAMS

JOHN H. ROBINSON

EDWIN J. ROUSSEAU

Phil A. Steigerwald
Celia Ann Fay
Thomas G. Adams
John H. Robinson
Edwin J. Rousseau

CONCURRED IN

DATE 9-24-68 FUAD G. BONAHOOM, CITY CLERK

Read the first time in full and on motion by Fay seconded by Adams and duly adopted, read the second time by title and referred to the (Committee on) Regulations (and to the City Plan Commission for recommendation) (and Public Hearing to be held after due legal notice, at the Council Chambers, City Hall, Fort Wayne, Indiana, on the _____ day of _____ 196____, at _____ o'clock P.M., E.S.T.

Date: 8-13-68

Fuad G. Bonahoom
City Clerk

Read the third time in full and on motion by Fay seconded by Adams and duly adopted, placed on its passage.

Passed (HOT) by the following vote:

AYES	<u>8</u>	NAYS	<u>0</u>	ABSTAINED	ABSENT	to-wit:
Adams	✓					
Dunifon	✓					
Fay	✓					
Geake	✓					
Nuckols						
Robinson	✓					✓
Rousseau	✓					
Steigerwald	✓					
Tipton	✓					

Date 9-24-68

Fuad G. Bonahoom
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. 8-36-6, on the 24th day of Sept, 1968.

ATTEST: (SEAL)

Fuad G. Bonahoom
City Clerk

Jack D. Dunifon
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of Sept, 1968 at the hour of 10:00 o'clock A.M., E.S.T.

Fuad G. Bonahoom
City Clerk

Approved and signed by me this 3rd day of October, 1968 at the hour of 7:10 o'clock P.M., E.S.T.

Harold S. Zeis
Mayor